

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

TIA CROOK,

Plaintiff,

v.

**DEBORAH PEREZ, and
MAGNUM DEDICATED INC., d/b/a
MAGNUM TRUCKING,**

Defendants.

CASE NO.: 8:21-CV-482

**NOTICE OF REMOVAL BY
DEFENDANT MAGNUM DEDICATED,
INC., UNDER 28 USC §1441(B)**

TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICTS OF NEBRASKA:

PLEASE TAKE NOTICE that Defendant Magnum Dedicated, Inc., (“Magnum”) hereby removes to the Court the state court action described below:

1. On or about November 5, 2021, an action was commenced by Plaintiff in the District Court of Burt County, Nebraska entitled *Tia Crook v. Deborah Perez and Magnum Dedicated, Inc., d/b/a/ Magnum Trucking*, CI 21-122.
2. On December 13, 2021, Defendant Magnum Dedicated, Inc., entered a voluntary appearance. Pursuant to 28 USC §1446(b) this Notice has been timely filed. A copy of all processes, pleadings and orders filed in the District Court of Burt County, are attached as “Exhibit A.”
3. This action is a civil action of which this Court has original jurisdiction under 28 USC §1332, and is one which may be removed to this Court by Defendant pursuant to the provisions of 28 USC §1441(b) in that the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states.
4. Plaintiff, Tia Crook, is a resident of South Sioux City, Nebraska. (Ex. A, Complaint, ¶

- 1).
5. Defendant Magnum Dedicated, Inc., is incorporated in North Dakota, and headquartered in Fargo, North Dakota. (Ex. A, Complaint, ¶ 3).
6. Defendant Deborah Perez is a resident of Anthon City, Iowa. (Ex. A, Complaint, ¶ 2).
7. The matter in controversy exceeds the sum or value of \$75,000 exclusive of interests and costs. (Ex. A, Complaint ¶ 10).

WHEREFORE, Defendant Magnum Dedicated, Inc., request that this action be removed to the United States District Court for the District of Nebraska.

Dated this 28th day of December, 2021.

MAGNUM DEDICATED, INC., D/B/A
MAGNUM TRUCKING, Defendant,

By: /s/ Melanie J. Whittamore-Mantzios
Melanie J. Whittamore-Mantzios, #18883
Wolfe Snowden Hurd Ahl
Sitzmann Tannehill & Hahn, LLP
Wells Fargo Center
1248 "O" Street, Suite 800
Lincoln, NE 68508
PH: (402) 474-1507
FAX: (402) 474-3170
EM: mmantzios@wolfesnowden.com

CERTIFICATE OF SERVICE

The undersigned attorney of record hereby certifies that a true and correct copy of the foregoing ***Notice of Removal by Defendant Magnum Dedicated, Inc.*** was served upon the following, by e-mail, this 28th day of December, 2021

Eric B. Brown
Atwood, Holsten, Brown, Deaver & Spier
575 Fallbrook Blvd, Suite 206
Lincoln, NE 68521
ebrown@atwoodlawyers.com

/s/ Melanie J. Whittamore-Mantzios
Melanie J. Whittamore-Mantzios, #18883

IN THE DISTRICT COURT OF BURT COUNTY, NEBRASKA

TIA CROOK,)	CASE NO. _____
)	
Plaintiff,)	
)	COMPLAINT
v.)	
)	
DEBORAH PEREZ, and)	
MAGNUM DEDICATED, INC., d/b/a)	
MAGNUM TRUCKING,)	
)	
Defendants.)	

COMES NOW the Plaintiff, Tia Crook, by and through her attorney, Eric Brown, and for her cause of action against the Defendant, Magnum Dedicated, Inc., states and alleges as follows:

1. At the time of the collision described below, Plaintiff was a resident of South Sioux City, Dakota County, Nebraska.
2. At the time of the collision described below, Defendant Deborah Perez (hereinafter "Ms. Perez") was a resident of Anthon City, Woodbury County, Iowa.
3. Defendant Magnum Dedicated, Inc. (doing business as and hereinafter referred to as "Magnum Trucking") is a trucking company that employed Ms. Perez., incorporated and headquartered in Fargo, North Dakota.
4. On September 12, 2019, at approximately 8:05 PM on Highway 77 near milepost 144, in Burt County, Nebraska, Ms. Perez was heading southbound driving a semi-truck owned by Magnum Trucking when she crossed over the center line and collided nearly head-on with two vehicles traveling northbound, including a 2018 Subaru Forrester in which Plaintiff was traveling.
5. At the time of the collision, Ms. Perez was operating a truck in the scope of her employment with Magnum Trucking.
6. At the time of the September 12, 2019 collision, Ms. Perez was under the influence of drugs.
7. Plaintiff's vehicle rolled over numerous times due to the force of the semi-truck colliding into the driver's side.



8. As a result of the collision, plaintiff suffered injuries to her back, left lower extremity, arms bilaterally and body as a whole.
9. From the scene of the collision, Plaintiff was transported to Oakland Mercy Hospital and then life-flighted to University of Nebraska Medical Center.
10. As a direct and proximate result of Ms. Perez's negligence in the above-described collision, imputed to Defendant Magnum Trucking, the plaintiff incurred the following compensable damages, which include, but are not limited to:
 - a. Past medical expenses exceeding \$96,000;
 - b. Future medical expenses;
 - c. Past lost wages exceeding \$15,000;
 - d. Future lost earnings in an amount to be determined;
 - e. Past, present and future physical pain and suffering;
 - f. Past, present and future mental distress;
 - g. Past, present and future physical impairment and disability;
 - h. Past, present and future inconvenience; and
 - i. Past, present and future humiliation.

WHEREFORE, Plaintiff prays for judgment against the Defendants, together with damages sustained as alleged above, attorney fees, costs, and any further relief the Court deems just and proper.

DATED this 5th day of November, 2021.

Tia Crook, Plaintiff



BY: Eric B. Brown #21229
Atwood, Holsten, Brown, Deaver & Spier
575 Fallbrook Blvd, Suite 206
Lincoln, NE 68521
T: (402) 476-4400
F: (402) 476-4410
E: ebrown@atwoodlawyers.com

IN THE DISTRICT COURT OF BURT COUNTY, NEBRASKA

TIA CROOK,

)

CASE NO.: CI 21-122

)

Plaintiffs,

)

)

v.

)

VOLUNTARY APPEARANCE

)

DEBORAH PEREZ, and

)

MAGNUM DEDICATED INC., d/b/a

)

MAGNUM TRUCKING,

)

Defendants.

COMES NOW Melanie J. Whittamore-Mantzios of Wolfe Snowden Hurd Ahl Sitzmann
Tannehill & Hahn, LLP and hereby enters her voluntary appearance on behalf of the Defendant,
Magnum Dedicated Inc. d/b/a Magnum Trucking.

DATED this 13th day of December, 2021.

MAGNUM DEDICATED INC., d/b/a
MAGNUM TRUCKING, Defendant

By: /s/ Melanie J. Whittamore-Mantzios
Melanie J. Whittamore-Mantzios, #18883
Wolfe Snowden Hurd Ahl
Sitzmann Tannehill & Hahn, LLP
Suite 800, Wells Fargo Center
1248 "O" Street
Lincoln, NE 68508
(402) 474-1507
mmantzios@wolfesnowden.com

CERTIFICATE OF SERVICE

The undersigned attorney of record hereby certifies that a true and correct copy of the foregoing ***Voluntary Appearance*** was served upon the following, by email, this 13th day of December, 2021:

Eric B. Brown
Atwood, Holsten, Brown, Deaver & Spier
575 Fallbrook Blvd, Suite 206
Lincoln, NE 68521
ebrown@atwoodlawyers.com

/s/ Melanie J. Whittamore-Mantzios

Melanie J. Whittamore-Mantzios, #18883

Certificate of Service

I hereby certify that on Tuesday, December 14, 2021 I provided a true and correct copy of the Voluntary Appearance to the following:

Perez, Deborah, service method: No Service

Magnum Dedicated, Inc service method: No Service

Crook, Tia, represented by Brown, Eric, B. (Bar Number: 21229) service method: Electronic Service to dgutsche@atwoodlawyers.com

Signature: /s/ Whittamore, Melanie, J (Bar Number: 18883)